

AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1009**

**Introduced by Assembly Member Pavley**  
(Coauthor: Senator Kuehl)

February 20, 2003

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An act to amend Section 97 of the Streets and Highways Code and Section 627 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1009, as amended, Pavley. Vehicles: violations: engineering and traffic surveys.

**Existing**

(1) *Existing* law, until January 1, 2004, requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to develop specified pilot projects to designate and identify certain highway segments as “Safety Enhancement-Double Fine Zones” and impose increased fines for traffic violations occurring within these zones.

This bill would require the department to develop a pilot project for ~~the~~ *a specified* segment of the Pacific Coast highway ~~within the jurisdictional limits of the City of Malibu.~~

**Existing**

(2) *Existing* law defines an engineering and traffic survey to be a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation, and lists factors that must be included in a survey.

This bill would require the department to, in addition to the existing factors, consider other specified factors, when conducting an engineering and traffic survey for the segment of the Pacific Coast highway within the jurisdictional limits of the City of Malibu.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 97 of the Streets and Highways Code is
- 2 amended to read:
- 3 97. (a) The department, in consultation with the Department
- 4 of the California Highway Patrol, shall develop pilot projects in
- 5 both northern and southern California. The portions of the
- 6 highways involved in the projects shall be designated and
- 7 identified as “Safety Enhancement-Double Fine Zones” and shall
- 8 be in the following locations:
- 9 (1) On Route 37, between the intersection with Route 121 and
- 10 the intersection with Route 29.
- 11 (2) On Route 4, between the city limits of Brentwood and the
- 12 Contra Costa-San Joaquin county line.
- 13 (3) On Route 74, at both of the following locations:
- 14 (A) Between the intersection with Route 5 and the intersection
- 15 with the Riverside-Orange county line.
- 16 (B) Between the junction with Route 15 and the intersection
- 17 with Seventh Street in the City of Perris.
- 18 (4) On Route 46, between the intersection with Route 101 and
- 19 the junction with Route 41.
- 20 (5) On the Golden Gate Bridge.
- 21 (6) On Route 12, between the intersection with Walters Road
- 22 in the City of Suisun and the intersection with Lower Sacramento
- 23 Road in the City of Lodi.
- 24 (7) On Route 138, between the intersection with Avenue T and
- 25 Pearblossom Highway and the intersection with Interstate
- 26 Highway Route 15.
- 27 (8) On Route 101, at both of the following locations:
- 28 (A) Between the intersection with Boronda Road and the
- 29 intersection with the San Benito-Monterey county line.
- 30 (B) The five-mile segment between the Eureka Slough Bridge
- 31 No. 4-22 to the Gannon Slough Bridge No. 4-24 in Arcata.



1 (9) On Route 152, between the junction with Route 156 at the  
2 Don Pacheco “Y” and the intersection with Ferguson Road.

3 (10) On Route 2, between the city limits of La Canada  
4 Flintridge and the intersection with Route 39.

5 (11) On the Pacific Coast highway ~~within the jurisdictional~~  
6 ~~limits of the City of Malibu.~~ *between the intersections of Topanga*  
7 *Canyon Boulevard and Decker Canyon Road.*

8 (b) (1) The department shall adopt rules and regulations  
9 prescribing uniform standards for warning signs to notify  
10 motorists that, pursuant to Section 42010 of the Vehicle Code,  
11 increased penalties apply for traffic violations that are committed  
12 within Safety Enhancement-Double Fine Zones. The rules and  
13 regulations adopted by the department shall include, but not be  
14 limited to, a requirement that Safety Enhancement-Double Fine  
15 Zones be identified with signs stating: “Special Safety Zone  
16 Begins Here” and “Special Safety Zone Ends Here.”

17 (2) The department or local authorities, with respect to  
18 highways under their respective jurisdictions, shall place and  
19 maintain the warning signs specified in paragraph (1) in areas  
20 designated under subdivision (a).

21 (3) The department shall report to the Legislature on January  
22 1, 2003, on the results of these pilot projects with the exception of  
23 those described in paragraph (2) of, and subparagraph (B) of  
24 paragraph (8) of, subdivision (a), including a determination of  
25 whether the projects were successful. In its report, the department  
26 shall update the January 1, 1998, report, and shall provide a  
27 detailed analysis on the impact of the pilot projects on highway  
28 safety, including, but not limited to, the number of accidents,  
29 traffic injuries, and fatalities in the project areas; and, in  
30 consultation with the Department of the California Highway  
31 Patrol, recommend specific criteria for designation of a highway  
32 as a Safety Enhancement-Double Fine Zone. A determination that  
33 the projects were successful shall be based upon a showing that a  
34 statistically significant decrease in the number of accidents, traffic  
35 injuries, and fatalities has occurred in the project areas. The  
36 department shall report to the Legislature on or before January 1,  
37 2004, on the results of the pilot projects described in paragraph (2)  
38 of, and subparagraph (B) of paragraph (8) of, subdivision (a).

39 (c) Designation of a highway as a Safety Enhancement-Double  
40 Fine Zone does not increase the civil liability of the state under

1 Division 3.6 (commencing with Section 810) of Title 1 of the  
2 Government Code or any other provision of law relating to civil  
3 liability.

4 (d) (1) Only the base fine shall be enhanced pursuant to this  
5 section.

6 (2) Notwithstanding any other provision of law, any additional  
7 penalty, forfeiture, or assessment imposed by any other statute  
8 shall be based on the amount of the base fine before enhancement  
9 or doubling and shall not be based on the amount of the enhanced  
10 fine imposed pursuant to this section.

11 (e) The pilot projects specified in subdivision (a) shall not be  
12 elevated in priority for state funding purposes.

13 (f) (1) Subject to paragraph (3), the County of Monterey, in  
14 consultation with the Department of the California Highway  
15 Patrol, shall establish and administer a Safety  
16 Enhancement-Double Fine Zone pilot project that meets all of the  
17 requirements of this section on County Road 16 (also known as  
18 Carmel Valley Road) between the junction with Route 1 and the  
19 junction with Camp Stefani Road. The county shall assume all  
20 responsibilities that would otherwise accrue to the department for  
21 the administration of a pilot project under this section and shall  
22 administer the pilot project in accordance with the rules and  
23 regulations adopted by the department for the administration of a  
24 Safety Enhancement-Double Fine Zone.

25 (2) The county, in consultation with the California Highway  
26 Patrol, shall coordinate the evaluation of the Carmel Valley Road  
27 pilot project with the department to enable inclusion of that  
28 evaluation in the report submitted by the department to the  
29 Legislature under paragraph (3) of subdivision (b).

30 (3) (A) The county shall submit the evaluation described in  
31 paragraph (2) to the department on or before January 1, 2004.

32 (B) If the county fails to submit the evaluation on or before  
33 January 1, 2004, that failure shall result in the immediate  
34 termination of the Carmel Valley Road pilot project authorized in  
35 this subdivision.

36 (g) This section shall remain in effect only until January 1,  
37 2004, and as of that date is repealed, unless a later enacted statute,  
38 which is enacted before January 1, 2004, deletes or extends that  
39 date.

40 SEC. 2. Section 627 of the Vehicle Code is amended to read:

1 627. (a) “Engineering and traffic survey,” as used in this  
2 code, means a survey of highway and traffic conditions in  
3 accordance with methods determined by the Department of  
4 Transportation for use by state and local authorities.

5 (b) An engineering and traffic survey shall include, among  
6 other requirements deemed necessary by the department,  
7 consideration of all of the following:

8 (1) Prevailing speeds as determined by traffic engineering  
9 measurements.

10 (2) Accident records.

11 (3) Highway, traffic, and roadside conditions not readily  
12 apparent to the driver.

13 (c) When conducting an engineering and traffic survey, local  
14 authorities, in addition to the factors set forth in paragraphs (1) to  
15 (3), inclusive, of subdivision (b) may consider all of the following:

16 (1) Residential density, if any of the following conditions exist  
17 on the particular portion of highway and the property contiguous  
18 thereto, other than a business district:

19 (A) Upon one side of the highway, within a distance of a quarter  
20 of a mile, the contiguous property fronting thereon is occupied by  
21 13 or more separate dwelling houses or business structures.

22 (B) Upon both sides of the highway, collectively, within a  
23 distance of a quarter of a mile, the contiguous property fronting  
24 thereon is occupied by 16 or more separate dwelling houses or  
25 business structures.

26 (C) The portion of highway is longer than one-quarter of a  
27 mile, but has the ratio of separate dwelling houses or business  
28 structures to the length of the highway described in either  
29 subparagraph (A) or (B).

30 (2) Pedestrian and bicyclist safety.

31 (d) When conducting an engineering and traffic survey for the  
32 Pacific Coast highway within the jurisdictional limits of the City  
33 of Malibu in Los Angeles County, the Department of  
34 Transportation, in addition to the factors set forth in paragraphs (1)  
35 to (3), inclusive, of subdivision (b), shall consider all of the  
36 following:

37 (1) Pedestrian and bicyclist safety.

38 (2) Visual and nonmotorized distractions.

39 (3) The presence and use of ~~public beaches~~ *residential access*,  
40 parking lots, and on-street parking.

- 1      (4) Frequency of left-hand turns or u-turns.

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